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Donald F. Paine (1939 - 2013)

February 7, 2018
Request for Records
(via U.S. mail)

Occupational Safety & Health Administration
Attn: FOIA Coordinator
Atlanta Federal Center
61 Forsyth St., S.W., Rm. 6T50
Atlanta, GA 30303

**Re: Request for records in relation to Maury County Circuit Court case:
James William Davis and Lois Irene Davis v. 3M Company et al.
Docket No. 15734**

Dear FOIA Coordinator:

This letter serves as a written request under 5 U.S.C. § 552 for the Occupational Health and Safety Administration ("OSHA") records listed below. The requested records pertain to OSHA's asbestos monitoring and control programs, site inspections, and citations or violations issued in response to hazardous asbestos levels at the Stauffer Chemical Plant in Mt. Pleasant, Tennessee, from 1971 to 1980. The enumerated sections below describe the records sought pursuant to this request. Please provide a signed and notarized affidavit from OSHA's records custodian with these documents that verifies the authenticity of each of the documents provided.

The caption of the legal proceedings, docket numbers, and name and address of the court or other authority involved:

James William Davis and Lois Irene Davis v. 3M Company, et al.
Docket No. 15734

Maury County Circuit Court
Columbia Division, Judge Robert E. Lee Davies
41 Public Square
Columbia, TN 38401

Categories of records sought and a specific description of the substance of the records sought are listed below after the listing of general definitions.

- *The Davis personal injury case alleges James Davis was injured from exposure to asbestos-containing products he worked with or around while employed performing work as a maintenance mechanic in the organic plant at Stauffer Chemical Plant in Mt. Pleasant, Tennessee. The records requested below are relevant to the issues in this case to evaluate potential asbestos exposure at the Stauffer Chemical Plant and to establish whether Stauffer was compliant with OSHA asbestos standards governing permissible asbestos exposure.*

Definitions applicable to this records request:

1. "DOCUMENTS" is an all-inclusive term and means the original or any copy or reproduction of a writing or other form of a record preserving information, whether or not in your possession, custody, control and whether or not claimed to be privileged against discovery on any ground, including but not limited to, reports, records, lists, memoranda, minutes of meetings, diaries, vouchers, correspondence, accounts, telegrams, communications, schedules, photographs, drawings, plans, charts, ledgers, computer printouts or disks or databases or drives, e-mails, invoices, purchase orders, checks, recordings, tapes, logs, films or any other form of preserved information.
2. "OSHA" shall refer to the Occupational Safety & Health Administration, and to its predecessors, subsidiaries, divisions, and contracting units, as well as anyone acting or purporting to act on its behalf, including, but not limited to, its agents, representatives, counsel and employees.
3. "FLOWSERVE CORPORATION, formerly known as DURCO INTERNATIONAL" or "FLOWSERVE" shall refer to defendant Flowserve Corporation and to its parent entities, predecessors, subsidiaries, divisions, and contracting units.
4. "UNION CARBIDE CORPORATION" or "UCC" shall refer to defendant Union Carbide Corporation and to its parent entities, predecessors, subsidiaries, divisions, and contracting units.
5. "COMPLAINT" shall refer to any and all statements or DOCUMENTS submitted via phone, mail, email, or fax to OSHA by Stauffer Chemical employees, independent contractors, union members, or their representatives expressing any dissatisfaction or concern relating to potentially hazardous asbestos-levels at the facility in Mt. Pleasant.

6. "CITATION" or "NOTICE" shall refer to any DOCUMENT issued by OSHA to the Stauffer Chemical Plant in Mt. Pleasant identifying unsafe or non-compliant asbestos levels, including any penalties or corrective actions that must be taken to address the non-compliance. A citation typically includes methods an employer may use to fix the problem and the date by which the corrective action must be completed.
7. "VIOLATION ITEM" refers to any DOCUMENT issued pursuant to any inspection performed at the Stauffer Chemical Plant where asbestos or ASBESTOS-CONTAINING PRODUCTS caused asbestos levels to exceed permissible OSHA levels.
8. "INSPECTION" refers to an on-site visit or telephonic/facsimile investigation conducted by OSHA compliance officers or other OSHA personnel for the purpose of investigating hazards, i.e. unsafe and non-compliant asbestos levels, that could lead to worker injury or illness.
9. "INSPECTION REPORT" refers to any DOCUMENT issued to or concerning the Stauffer Chemical Plant in Mt. Pleasant, following any on-site or telephonic/facsimile INSPECTION performed in which asbestos levels were found to have exceeded permissible OSHA levels.
10. "ASBESTOS-CONTAINING PRODUCTS" shall refer to any and all products that contain any asbestos dust or fiber, including but not limited to pipe covering, refractory materials, block, cloth, cement, adhesives, drywall and joint compounds, sheetrock, topping compounds, tape, textures, paper, aircell, duct insulation materials, fireproofing sprays, transite board, transite pipe, acoustical materials, floor tiles, ceiling tiles, welding blankets, packing materials, insulated electrical wiring and cables, gaskets, rope, millboard, brick, hot tops, hot toppings, plastics, moldings, packing, side boards, insulated electrical switches, insulation, and product(s) used in conjunction with burners, gauges, pumps, boilers, turbines, furnaces, condensers and/or feedwater heaters.
11. "AIR MONITORING" shall refer to any tests, studies, and/or surveys, to determine ambient asbestos dust levels at said location.

Category 1: Inspection, Citation, or Violation Records:

1. Any and all CITATIONS issued by OSHA personnel to any department of the Stauffer Chemical Plant in Mt. Pleasant, and relating to asbestos and/or ASBESTOS-CONTAINING PRODUCTS that exceeded permissible OSHA levels from 1971 until 1980.
2. Any and all NOTICES issued by OSHA personnel to any department of the Stauffer Chemical Plant in Mt. Pleasant, and relating to asbestos and/or

ASBESTOS-CONTAINING PRODUCTS that exceeded permissible OSHA levels from 1971 until 1980.

3. Any and all VIOLATIONS issued by OSHA personnel to any department of the Stauffer Chemical Plant in Mt. Pleasant, and relating to asbestos and/or ASBESTOS-CONTAINING PRODUCTS that exceeded permissible OSHA levels from 1971 until 1980.
4. Any and all DOCUMENTS related to any specific SAFETY PROCEDURES, other than the standard permissible OSHA asbestos levels, that OSHA put into effect from 1971 until 1980 at the Stauffer Chemical Plant in Mt. Pleasant, in response to any CITATIONS, NOTICES, or VIOLATIONS.
5. Any and all DOCUMENTS related to any inspections or the results of any inspections performed by OSHA personnel at the Stauffer Chemical Plant in Mt. Pleasant in which asbestos or ASBESTOS-CONTAINING PRODUCTS were found to be in excess of permissible OSHA levels from 1971 until 1980.
6. Any and all DOCUMENTS related to any AIR MONITORING performed by OSHA personnel in response to any COMPLAINT, NOTICE, VIOLATION, or INSPECTION at the Stauffer Chemical Plant in Mt. Pleasant from 1971 to 1980.

Category 2: Specific OSHA Citations and/or Inspection Reports for the Stauffer Chemical Plant in Mt. Pleasant from 1971 until 1980

1. Inspection Detail: 13769849-Stauffer Chemical Co., Report ID: 0420100 (06/13/1973)

Thank you in advance for your prompt attention to this request.

Kindest regards,

PAINE, TARWATER, and BICKERS, LLP



Catherine W. Anglin

cc: John W. Elder